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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 JAMES JENNINGS, ) NO. CV 10-2714-GW(E)  
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13 Petitioner, )  
14 )  
15 v. ) ORDER ADOPTING FINDINGS,  
16 )  
17 BOARD OF PAROLE HEARINGS, ) CONCLUSIONS AND RECOMMENDATIONS  
18 et al., )  
19 ) OF UNITED STATES MAGISTRATE JUDGE  
20 Respondent. )  
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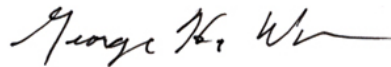
18 Pursuant to 28 U.S.C. section 636, the Court has reviewed the  
19 Petition, all of the records herein and the attached Report and  
20 Recommendation of United States Magistrate Judge. Petitioner's  
21 challenge to the sufficiency of the evidence to support the California  
22 Board of Parole Hearings' unsuitability finding fails as a matter of  
23 law. See Swarthout v. Cooke, 2011 WL 197627 (U.S. Jan. 24, 2011)  
24 ("Swarthout"). The Court approves and adopts the Magistrate Judge's  
25 recommendation that the Petition be denied and dismissed with  
26 prejudice, and the Court also approves and adopts the Magistrate  
27 Judge's Report and Recommendation to the extent not inconsistent with  
28 the United States Supreme Court's subsequent opinion in Swarthout.

1 IT IS ORDERED that Judgment be entered denying and dismissing the  
2 Petition with prejudice.

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4 IT IS FURTHER ORDERED that the Clerk serve copies of this Order,  
5 the Magistrate Judge's Report and Recommendation and the Judgment  
6 herein by United States mail on Petitioner and counsel for Respondent.

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8 LET JUDGMENT BE ENTERED ACCORDINGLY.

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10 DATED: May 13, 2011.

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15 GEORGE H. WU  
16 UNITED STATES DISTRICT JUDGE  
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